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LAW OFFICE OF JOHN G. GLIEGE P.O. Box 1388 Flagstaff, AZ 86002-1388 (928 380 0159)

RECEIVED

2003 NOV 10 P 3: 57

John G. Gliege (#003644)

Attorney for Pine Strawberry Water Improvement District : DOCUMENT CONTROL

AZ CORP COMMISSIO DOCUMENT CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF PINE WATER COMPANY FOR A
DETERMINATION OF THE CURRENT;
FAIR VALUE OF ITS UTILITY PLANT AND)
PROPERTY, A RATE INCREASE AND FOR
APPROVAL TO INCUR LONG-TERM DEBT.

DOCKET NO. W-03512A-03-0279 REQUEST TO PRODUCE

Arizona Corporation Commission DOCKETED

NOV 1 0 2003

DOCKETED BY



TO: PINE WATER COMPANY and its Attorneys.

Pursuant to Rule 34, Ariz.R.Civ.P., you are hereby requested to produce for inspection, copying and photographing at 9:00 AM on November 18, 2003 at the LAW OFFICE OF JOHN G. GLIEGE, 13 MOUNTAIN VIEW, KENDRICK PARK, ARIZONA, or the same can be mailed to the LAW OFFICE OF JOHN G. GLIEGE, P.O. BOX 1388, FLAGSTAFF, AZ 86002-1388, by or before November 17, 2003, the following described documents and tangible things:

INSTRUCTIONS FOR USE

- 1. In producing the documents designated below, you are requested to furnish all documents known or available to you regardless of whether a document is currently in your possession, custody, or control, or that of your attorneys, employees, agents, investigators, or other representatives, or is otherwise available to you.
 - 2. If, for any reason, you are unable to produce in full any document requested:
 - a. Produce each such document to the fullest extent possible;
 - b. Specify the reasons for your inability to produce the remainder; and

- 4. For each document requested which you are unable to produce and which was at any time within your possession, custody or control, or to which you had access at any time, specify in detail:
 - a. The nature of the document {i.e., letter, memorandum, etc.};
 - b. The author of the document;

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- c. All recipients of the document and any copy thereof;
- d. A summary of the information contained in the document;
- e. The date on which you lost, relinquished, or otherwise ceased to have possession, custody, control of, or access to the document:
- f. Identify all persons having knowledge of the circumstances whereby you lost, relinquished, or otherwise ceased to have possession, custody, or control of, or access to the document; and
- g. Identify all persons who have or have had knowledge of the contents of the document, in full or in part.
- 5. In the event you seek to withhold or do withhold any document, in whole or in part, on the basis that it is not subject to discovery, produce a list of all such documents and, as to each such document. state:
 - a. The name of each author, writer, sender or initiator of each such document;

- b. The name of each recipient, addressee or party to whom such document was sent or intended to be sent;
 - c. The name of each and every person who received a copy of the document;
- d. The date of the document or, if no date appears on the document, the date the document was prepared;
- e. The title of the document, or if it has no title, then such other description of the document and its subject matter as shall be sufficient to identify the document; and
- f. The grounds claimed for withholding the document from discovery (e.g., attorney-client privilege, work product, or any other grounds), and the factual basis for such a claim.
- 6. In accordance with Rule 34(b), Ariz.R.Civ.P., as to each document produced, you are requested to designate the paragraph and subparagraph of this request to which each such document is responsive.
- 7. If you dispute the propriety of Instruction{s} {2, 3, 4 and/or 5}, supra, as being outside the scope of Rule 34 or otherwise objectionable, then consider such instructions as interrogatories posed pursuant to Rule 33, Ariz.R.Civ.P., and answer them accordingly.
- 8. This Request is a continuing one, and requires that you produce all responsive documents and tangible objects whenever you obtain or become aware of them, even if they are not in your possession or available to you on the date you first produce documents pursuant to this Request.

DEFINITIONS

- 1. "Pine Water Company," the "Company", "you" or "your" means the PINE WATER COMPANY in the above-captioned matter, and the past and present employees, representatives, agents and attorneys of Plaintiff and any and all subsidiary companies, related companies or any and all parent companies or holding companies which hold stock in Pine Water Company, including, but not limited to Brooke Utilities, Inc., and Crystal Investments L.L.C.
- 2. "Any," "each" and "all" shall be read to be all inclusive, and to require the production of each and every document (as hereinafter defined) responsive to the particular request for production in which such term appears.
- 3. "And" and "or" and any other conjunctions or disjunctions used herein shall be read both conjunctively and disjunctively so as to require the production of all documents (as hereinafter defined) responsive to all or any part of each particular request for production in which any conjunction or disjunction appears.
- 4. "Hearing" shall mean any proceeding before the Arizona Corporation Commission to which the Pine Water Company is a party in any capacity.

5. "Person" means an individual, firm, corporation, association, organization or any other entity.

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6. The term "document" includes all electronic media or other tangible forms in which information is stored and includes all written or graphic matter of every kind and description, however produced or reproduced, WHETHER DRAFT OR FINAL, original or reproduction, including, but not limited to, letters, correspondence, memoranda, notes, films, transcripts, contracts, agreements, licenses, memoranda of telephone conversations or personal conversations, microfilm, telegrams, books, newspaper articles, magazines, advertisements, periodicals, bulletins, circulars, pamphlets, statements, notices, reports, rules, regulations, directives, teletype messages, minutes of meetings, interoffice communications, reports, financial statements, ledgers, books of account, proposals, prospectuses, offers, orders, receipts, working papers, desk calendars, appointment books, diaries, time sheets, logs, movies, tapes for visual or audio reproduction, recordings or materials similar to any of the foregoing, however denominated, and including writings, drawings, graphs, charts, photographs, data processing results, printouts and computations (both in existence and stored in memory components), and other compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form. THE TERM "DOCUMENT" INCLUDES ALL COPIES OF A DOCUMENT WHICH CONTAIN ANY ADDITIONAL WRITING, UNDERLINING, NOTES, DELETIONS, OR ANY OTHER MARKINGS OR NOTATIONS, OR ARE OTHERWISE NOT IDENTICAL COPIES OF THE ORIGINAL.

DOCUMENTS TO BE PRODUCED

- 1. Copies of all maintenance records, copies of logs and reports regarding leaks and other system failures, repair and replacement records of Pine Water Company system for the last five years, including copies of all reports filed with any agency of the state or federal government concerning the operation of the water system
- 2. Copies of all Hydrology data for the Pine-Strawberry area in your possession which supports your contention of a water shortage and which show all of the plans of Pine Water Company, or any subsidiary, related, or holding company, or of Brooke Utilities, Inc. or Crystal Investments L.L.C. for developing additional water supplies.
- 3. Copies of all records of the Pine Water Company water system showing the location of all physical facilities, the location and production of all wells, information regarding total water pumped, total water sold, operating budgets, audited financial statements, rate filings for the past five years prior to this current one, amounts paid by the Company for Certificates of Convenience and Necessity, amounts received by the Company for all or portions of Certificates of Convenience and Necessity, water rate studies, connection fee studies, impact fee studies, total sales, total accounts by customer class and total water usage by customer class for the past fifteen years and any and all customer lists of the Company.

4. Copies of any and all contracts or other documents by and between Pine Water Company and any other entity which supplies water to or transports water to the Pine Water Company during the past five years from the date of this Request to Produce.

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- 5. Copies of any and all documents describing the Central Arizona Project Allocation owned by the Company and any and all other water rights owned or controlled by the Company.
- 6. Any and all documents which may or will be used as an exhibit at the Hearing or any evidentiary hearing in this matter.
- 7. Any and all documents which have been provided to any expert or lay witness who may or will be called to testify on your behalf at any Hearing in this matter.
- 8. Any and all documents received from any person who may or will be called as an expert or lay witness at any Hearing in this matter.
- 9. Any and all written or recorded statements from any party to this action pertaining to the matters alleged in the application for a rate hearing which is the subject matter of the above captioned proceeding..
- 10. Any and all investigative reports, both governmental and private, concerning the transactions or occurrences which are the subject of this Hearing, including but not limited to any such reports by experts who are expected to be called as witnesses.
- 11. Any and all documents, reports, or other records which relate to or which you contend relate to the matters alleged in the Application for a rate increase and for Approval to Incur Long Term Debt that have been obtained from any party to this action or their agents, employers, representatives or attorneys.
- 12. Any and all drawings, plats or diagrams relating to the Pine Water Company's water system
- 13. Each and every curriculum vitae or resume prepared by your expert witnesses within the past five (5) years.
- 14. Any and all texts, treatises or articles which you intend to rely upon at the Hearing, including those referred to by your experts and those used or to be used in the examination or cross-examination of any experts to be called by any party to this action.
- 15. All estimates compiled by Pine Water Company of the value of the Certificate of Convenience and Necessity of Pine Water Company during the past five years, up to and including the day of your answers.
- 16. Any and all agreements with any person or entity who has hauled water by truck for Pine Water Company during the past five years and any and all evidences of payment for such water hauling.

17. Any and all financial records from January 1, 1998 to the present of any company or entity which fits within the definition of Pine Water Company as herein defined for the past four 2 years. 3 Respectfully submitted this 6th day of November, 2003. 4 5 6 7 8 Original and thirteen copies of the foregoing 9 sent this 6th day of November, 2003 to: 10 Docket Control Center Arizona Corporation Commission 11 1200 W. Washington Street Phoenix, AZ 85007 12 Copies of the foregoing 13 Mailed this 6th day of November, 2003 to: 14 Jay L. Shapiro 15 Patrick Black Fennemore Craig 16 3003 North Central Ave. Ste 2600 Phoenix, AZ 85012-2913 17 18 Christopher Kempley, Chief Counsel LEGAL DIVISION Arizona Corporation Commission 1200 W. Washington Street 20 Phoenix, AZ 85007 21 Ernest G. Johnson Director of Utilities 22 Arizona Corporation Commission 1200 W. Washington Street 23 Phoenix, AZ 85007 24 Robert M. Cassaro P.O. Box 1522 25 Pine, AZ 85544

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John O. Breninger

P.O. Box 2096 Pine, AZ 85544 LAW OFFICA JOHN G. GLIEGE John G. Gliege